

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

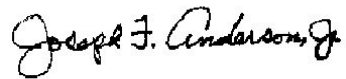
Sylvia A. Nelson,)	C/A No.: 3:10-01923-JFA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Equifax Information Services, LLC,)	
)	
Defendant.)	
_____)	

This matter is before the court pursuant to Defendant Equifax's motion for leave to take the deposition of the plaintiff's counsel, Penny Hays Cauley, filed on May 13, 2011. (ECF No. 38). The defendant is seeking testimony from the plaintiff's counsel regarding the account dispute claims she sent to Equifax on behalf of her client.

Having read the briefs of both parties, the court finds that the defendant had alternative means to obtain the information they are now seeking through the deposition of the plaintiff's attorney. The defendant claims that the plaintiff has no personal knowledge regarding the dispute letter drafted by Ms. Cauley, and it would have, therefore, been futile to ask the plaintiff questions about it during her deposition. Because the plaintiff testified that she did not write the letter, the defendant assumed that she had no other information to offer regarding the details of the letter. However, the defendant cannot know this to be the case because it did not ask the plaintiff any questions about the letter. Accordingly, the court denies the defendant's motion.

IT IS SO ORDERED.

June 20, 2011
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge